



POLICE DEPARTMENT

March 15, 2019

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In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2018-19344
Police Officer Dawn Ragland	:	
Tax Registry No. 940603	:	
Transit District 33	:	

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At: Police Headquarters  
One Police Plaza  
New York, New York 10038

Before: Honorable Paul M. Gamble  
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Daniel Maurer, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent: Craig Hayes, Esq.  
Worth, Longworth & London, LLP  
111 John Street – Suite 640  
New York, NY 10038

To:

HONORABLE JAMES P. O'NEILL  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NEW YORK 10038

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## CHARGES AND SPECIFICATIONS

1. On or about March 27, 2018, Police Officer Dawn Ragland, assigned to TD 33, was out of her residence while on sick report without the permission of her District Surgeon or Sick Desk supervisor.

P.G. 205-01

REPORTING SICK

2. On or about March 27, 2018, Police Officer Dawn Ragland, assigned to TD 33, exaggerated the extent of her injuries, and her limitations due to said injuries, to District Surgeon Doctor James Henry.

P.G. 203-10, Page 1, Paragraph 5      PROHIBITED CONDUCT

3. On or about March 27, 2018, Police Officer Dawn Ragland, assigned to TD 33, made misleading statements to Sergeant Doreen Hand, Medical Division – ACIU, regarding her whereabouts while out of residence while on Sick Report.

P.G. 203-10, Page 1, Paragraph 5      PROHIBITED CONDUCT

## REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on February 19, 2019 and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, I find Respondent Guilty of the charged misconduct. I recommend that Respondent forfeit 30 vacation days and be placed on one-year dismissal probation.

## ANALYSIS

Respondent testified that on February 28, 2018, in the vicinity of Broadway Junction subway station, she attempted to effect the arrest of a suspect whom she observed strangling a woman. During the course of that apprehension, Respondent suffered injuries to her back and neck. She was placed on medical leave and received pain medication, as well as physical therapy.

On March 27, 2018, Respondent had an appointment with Dr. James Henry, the District Surgeon. During the course of that visit, Dr. Henry asked Respondent whether she had driven to

her appointment. Respondent answered untruthfully that she had not, exaggerating the extent of her injury.

Instead of remaining in her home after her appointment, Respondent, without seeking prior authorization from the Medical Division, sought treatment at a wellness spa for her injuries. That afternoon, Respondent received a telephone call from Sergeant Doreen Hand, who was conducting an Absence Control check. When Sergeant Hand asked Respondent where she was, Respondent answered untruthfully that she was [REDACTED] residence.

Respondent explained that when Sergeant Hand asked her for her whereabouts, she panicked because she knew that she was absent from her residence without prior authorization. Respondent was familiar with the procedures for obtaining permission from the Medical Division while on sick leave to travel from her residence because she had previously been subject to those conditions while recuperating from a previous line of duty injury.

Respondent testified that when Dr. Henry asked her if she had driven to her appointment with him, she falsely responded that she had not because she was concerned about the possibility of being ordered to return to full duty before she felt that she was ready to do so. She acknowledged that she provided an untruthful answer to Dr. Henry's inquiry and conceded that it was "the stupidest mistake I've ever made." Her candid response, unfortunately, is tantamount to an admission of malingering.

While Respondent's demeanor during her in-court testimony and her willingness to accept responsibility for her actions would ordinarily warrant some mitigation of a penalty, the two specifications involving false statements to which Respondent has pled guilty cannot, and should not, be mitigated. While I credit Respondent's assertion that she lied to Sergeant Hand because she panicked at the realization that she had been caught out of her residence without

authorization. embarrassing situations can never be an excuse for a Member of Service to make a material lie. Similarly, Respondent candidly admitted that she denied driving to her appointment with the District Surgeon because she was concerned about the possibility of being ordered to full duty before she was ready, in her own mind, to do so. While acknowledging occasional self-doubt is probably a healthy attribute, it cannot excuse telling an untruth in a circumstance where police officers are mandated to be candid. Members of Service have a duty of absolute candor in responding to inquiries regarding their fitness for duty, especially in view of the Department's unlimited sick leave policy.

### PENALTY

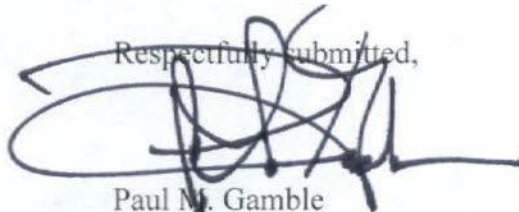
In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on January 9, 2006. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum. Respondent has no disciplinary record.

The Department Advocate has requested a penalty of 30 vacation days and one-year dismissal probation. While Counsel for Respondent has argued passionately for a penalty which does not include dismissal probation, and indeed Respondent has been reviewed favorably by her Commanding Officer, Department precedent clearly establishes its appropriateness in cases where respondents have made false statements to a Department Surgeon about their ability to drive (*Disciplinary Case No.* [REDACTED] *Disciplinary Case No.* [REDACTED] [REDACTED]).

Accordingly, I recommend that Respondent be DISMISSED from the New York City Police Department but that her dismissal be held in abeyance for a period of one year pursuant to

Section 14-115(d) of the Administrative Code, during which time she remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. In addition, I recommend that Respondent forfeit 30 vacation days.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Paul M. Gamble", written over the words "Respectfully submitted,".

Paul M. Gamble  
Assistant Deputy Commissioner Trials

**APPROVED**

JUN 13 2019

A handwritten signature in blue ink, appearing to be "James P. O'Neill", written over the date and name.

JAMES P. O'NEILL  
POLICE COMMISSIONER



## POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER DAWN RAGLAND  
TAX REGISTRY NO. 940603  
DISCIPLINARY CASE NO. 2018-19344

Respondent was appointed to the Department on January 9, 2006. On her last three annual performance evaluations, she received a 3.0 rating of "Competent" for 2013 and a 3.5 rating of "Highly Competent/Competent" for 2015 and 2016. [REDACTED]

Respondent has no formal disciplinary history. In connection with the instant matter, she was placed on Level 1 Disciplinary Monitoring on October 29, 2018. Monitoring remains ongoing.

For your consideration.

Paul M. Gamble  
Assistant Deputy Commissioner Trials